

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
BSI-430US10

In re Application of: Leonard Pinchuk et al.

Application No.: 10/788,966

Filed: February 25, 2004

For: EXPANDABLE SUPPORTIVE BRANCHED EENDOLUMINAL GRAFTS

The owner*, Corvita Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term **prior patent** No. 5,632,772 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims cancelled by a re-examination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Registration No.: 45,122

Jonathan H. Spadt
Signature

FEB. 17, 2006
Date

Jonathan H. Spadt
Typed or printed name

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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